

### **REMARKS**

This Amendment cancels claims 4, 5, 13, and 14; amends claims 1 and 19; and adds new claim 21. Support for the claim amendments and new claim 21 is found, for example, in Figs. 2 and 3 of the drawings and in the specification at paragraphs 0012, 0013, 0014, 0025, and 0027. Claims 1-3, 6, 8-12, 17-20, and 21 are now present in this application.

#### **Election/Restriction**

Applicant confirms the election of Species 1. Claims 7, 15, and 16 directed to the non-elected species have been canceled.

#### **Objection to the Specification**

The specification was objected for the incorporation by reference of German Application No. 102 42 619.8. As set forth above, Applicant has deleted this incorporation by reference from the specification. Reconsideration of the objection to the specification is respectfully requested.

#### **Objection to the Drawings**

The drawings were objected to for not showing the subject matter of claims 4 and 5. As set forth above, Applicant has canceled claims 4 and 5, thereby rendering this objection moot. Reconsideration of the objection to the drawings is respectfully requested.

#### **Rejections Under 35 U.S.C. § 102 and § 103**

Claims 1, 2, 4-6, 9, 11, 13, 14, and 18 stand rejected under 35 U.S.C. § 102(e) for anticipation by U.S. Patent No. 6,830,117 to Chernoff et al. (hereinafter "Chernoff"). Claims 3, 8, 10, 12, 17, 19, and 20 stand rejected under 35 U.S.C. § 103(a) for obviousness over Chernoff. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to an industrial truck comprising spaced axles, an electrical drive system, and a mounting device. The mounting device is configured to support at least one pressure vessel for storage of at least one gaseous medium. The mounting device and associated pressure vessel can be replaced together as a unit from the

industrial truck. The mounting device is located at a lower portion of the industrial truck between the spaced axles.

Chernoff discloses a vehicle chassis 10 having load-bearing body-retention couplings 89 engageable with complementary attachment couplings 93 on vehicle bodies 85, 85', and 85'' such that bodies of substantially varying design can be connected to the same chassis 10. The result is a reduction in the time and resources required to design and manufacture new vehicle bodies. A uniform chassis 10 can be provided and bodies of differing shape and size can be attached to the chassis as desired.

However, Chernoff does not teach or suggest an industrial truck having a removable mounting device located between the spaced axles of the industrial truck and configured such that the mounting device and associated pressure vessel can be replaced (i.e., removed and/or inserted) into the industrial truck as a unit, as claimed in claim 1. While Chernoff does show an energy storage system 69 in the form of storage tanks 121, there is no teaching or suggestion that these storage tanks are contained within a removable mounting device such that the mounting device and storage tanks can be replaced as a unit from the chassis. Rather, the Chernoff storage tanks 121 appear to be fixedly mounted in the chassis (Chernoff at column 13, lines 41-55). Thus, claim 1, as amended, is neither taught nor suggested by Chernoff. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 2, 3, 6, 8-12, 17, and 18 depend either directly or indirectly from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Independent claim 19, as amended, is directed to an industrial truck comprising a driver's seat, at least two spaced axles, and a removable mounting device located between the spaced axles with respect to a longitudinal direction of the truck. The mounting device includes at least one pressure vessel for the storage of at least one gaseous material and a power source connected to the at least one pressure vessel. The mounting device is removably located under the driver's seat.

As discussed above, Chernoff neither teaches nor suggests a removable mounting device configured to hold at least one pressure vessel for the storage of at least one gaseous material. Further, Chernoff does not teach or suggest a mounting device having both a pressure vessel for the storage of gaseous material and a power source connected to the pressure vessel, with the mounting device and associated components removably mounted

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under the driver's seat. Therefore, claim 19, as amended, is neither taught nor suggested by Chernoff.

New claim 21 is directed to a fork lift truck comprising a driver's seat, spaced axles, and a mounting device removably mounted on the truck below the driver's seat and between the spaced axles. The mounting device comprises at least one pressure vessel for the storage of at least one gaseous material and a fuel cell system connected to the pressure vessel. The mounting device, pressure vessel, and fuel cell system are removable as a unit from the fork lift truck.

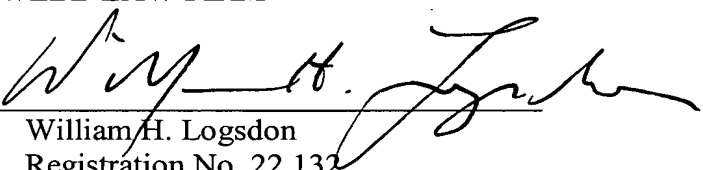
Again, these features of the removable mounting device with the associated pressure vessel and fuel cell system are neither taught nor suggested by Chernoff. Therefore, claim 21 is also believed patentable over the cited prior art.

In view of the above amendments and remarks, reconsideration of the rejections of claims 1-3, 6, 8-12, and 17-20 and allowance of all of claims 1-3, 6, 8-12, 17-20, and 21 are respectfully requested.

Respectfully submitted,

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